THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:4052 of 2007

DATED:09-07-2007

BETWEEN:

Gudala Krishna.

..... PETITIONER

AND

The Superintendent of Police,
Kakinada,
East Godavari District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner and the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 1 and 2 at the behest of the 3rd respondent in interfering with the petitioner's peaceful possession and enjoyment of land of an extent of
Ac.1.94 cents in R.S.No.53 of Valasapakalu village of East Godavari, as illegal, and arbitrary.

3. It is the case of the petitioner that he is the absolute owner and possessor of an extent of Ac.1.94 cents in Sy.No.53 situated at Valasapakalu village, East Godavari District. Whileso, the 3rd respondent, without any justification whatsoever, started interfering with the petitioner's peaceful possession and in fact, he filed O.S.No.545 of 2006 on the file of the II Additional Senior Civil Judge, Kakinada, but the injunction application has been dismissed on 17-01-2007 and thereafter having lost the injunction petition again he started influencing the respondents 1 and 2 and making attempts to forcefully dispossess the petitioner, and the 2nd respondent-Station House Officer, Sarpavaram confined the

petitioner in the police station. It is stated that there is no justification on the part of the 2nd respondent in calling the petitioner to the police station and interfering with his civil rights.

4. Learned Government Pleader appearing for the respondents 1 and 2 submits that the petitioner was never called to the police station and made to sit in the police station and no crime is pending against him and he is not at all accused in any case.

5. Learned counsel appearing for the petitioner submits that he has made representation before the 1st respondent about the illegal action of the 2nd respondent but no action has been taken so far.

6. In view of the statement made by the learned Government Pleader that the 2nd respondent is not at all interfering with the civil rights of the petitioner and he never called the petitioner to the police station, Writ Petition is disposed of giving liberty to the petitioner to make a fresh representation before the 1st respondent-Superintendent of police with regard to the alleged illegal interference by the 2nd respondent, and if any such representation is filed 1st respondent shall make enquiry and take appropriate action in accordance with law. No order as to costs.

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V.ESWARAIAH,J

09th July, 2007.

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